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INTERNAL CORRESPONDENCE

EXHIBIT

TO:

DATE:

FROM: April 28, 1983

COPIES:

47

SUBJECT: 586-4-3-53

Mr. R. D. Stonebraker, Deputy Chief
Emergency & Remedial Response Branch
Air & Waste Management Division
Environmental Protection Agency
345 Courtland Street, N.E.
Atlanta, Georgia 30365

Subject: Saad Site Summary
TDD # F4-8304-03

Dear Mr. Stonebraker:

This letter provides a chronology of the remedial actions taken by the State and Federal Agencies towards Saad's Trousdale Road facility.

Site History

John P. Saad & Sons, Inc. began operation of a waste oil pick-up service on Trousdale Road in 1970. Waste oil was brought to the site in tank trucks. In 1978 officials from the Tennessee Department of Water Quality Control discovered a discharge pond behind the facility which contained organic waste solvents. In 1982 the Water Resources Division of the Tennessee Department of Conservation was consulted about how the Saad waste may impact the Croft Spring.

One reason this site is of continued interest to the State is because the Croft estate is to be willed to the Cumberland Museum which intends to convert the land into a children's park. The major surface water feature of the Croft estate is a spring near the homestead which was once used as its water supply. This spring and the stream it forms would also be an important park feature and there is public concern that children may become exposed to chemical contaminants present in the water. There are also several private wells down gradient of the site even though the entire area is on municipal water taken from the Cumberland river. These wells are mainly used for purposes other than drinking, e.g. irrigation of lawns and gardens.

Chronology of Events

<u>Date</u>	<u>Description</u>
1968	Forty cows die on the Croft Farm Property
June 1968	
June 19th	A citizens complaint is received by the Tennessee Department of Public Health concerning the contamination of the Croft Springs. Investigation by the Dept.

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of Water Quality Control (TNWQC) reveals the presence of diesel fuel in the springs. The L & N Railroad is suspected of the pollution.

- 1970** John P. Saad begins operation of a waste oil reclaiming facility on Trousdale Road.
- 1978**
January 1978 John P. Saad & Sons, Inc. is suspected of dumping waste oil into a sinkhole at the facility. Separation tanks and a oil sludge pit are reported to be present on the property.
- March 1978 A waste discharge pond was discovered at the Trousdale site upon investigation by Robert Slayden (TNWQC).
- 1979**
March 1979
March 7th Eugene Fowinkle (Commissioner) writes William Husbard (Deputy Attorney General) authorizing the Attorney Generals office to begin proceedings against John P. Saad & Sons, Inc. At the request of the Commissioner the Attorney Generals office is to sue under any applicable statue and seek injunctive relief.
- March 22nd An order for immediate discovery is issued concerning the nature of the waste material collected by the defendant (John P. Saad & Sons, Inc.) and the procedures used in the disposal of the waste byproducts.
- March 22nd Temporary Restraining order.
John P. Saad & Sons, Inc. is prohibited from carrying out the following activities:
 - 1) Collecting, transporting, storing, or processing any substances likely to cause pollution of the waters
 - 2) Moving or removing earth
 - 3) Removing or destroying business records
 - 4) Selling, leasing, or otherwise disposing of defendants properties on Trousdale Road.
- June 1979
June 23rd Temporary injunction issued by the Chancellory Court of Davidson County.
John P. Saad & Sons, Inc. must meet the following requirements before the waste recycling operation can commence again.
 - 1) Excavate and stockpile the contaminated soil present on the Trousdale site. This action is to be concluded within five working days

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- 2) Composite soil samples must be collected and analyzed as to chemical composition
- 3) All contaminated soil must be collected and disposed of in accordance with State and Federal guidelines. This action must be completed within 30 days.
- 4) Non-chlorinated solvents are to be mixed with the liquid waste and shipped for disposal to M & M Chemical Co. of Alabama. This task is to be concluded within 30 days of the injunction.
- 5) John P. Saad & Sons, Inc. is to build a dike system around the separation tank area to prevent runoff that may occur after a rain storm. (30 days given for completion)

August 1979
 August 20th

Inspection of the site by Barry Sulkin (TNWQC) with a backhoe uncovers the presence of sludge and waste oil. Much of the contaminated soil has been placed in barrels which are stored on site.

August 22nd

A letter is sent to John Saad from Barry Sulkin (TNWQC) confirming his visit to the Trousdale site on August 20, 1979. His findings include the following violation of the court decree:

- 1) dikes around the tank area have not been completed
- 2) the tanks still contain oil
- 3) A test dig with backhoe revealed the existence of sludge below the ground surface.

August 23rd

Temporary permit #790W16 for the discharge of industrial/commercial wastewater was revoked by the Metropolitan Government of Nashville and Davidson County.

October 1979
 October 25th

A memo from Barry Sulkin to Lee Breckenridge (Attorney General's Office) documenting the lack of compliance by John Saad. Barry Sulkin requests that enforcement action be taken against John P. Saad & Sons, Inc. including civil penalties.

1980
 January 1980

Agreement Order
 An Agreement Order was signed by John Saad, Richard Saad, and Arch Petitt (who acquired the majority

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interest in John P. Saad & Sons, Inc.). The following conditions are stated in the Agreement Order:

- 1) The temporary injunction of June 26, 1979 is hereby dissolved.
- 2) The diking system must be completed within 30 days of the Agreement Order.
- 3) A NPDES Water Quality Permit must be obtained
- 4) Liquid waste located in the tanks and barrels must be mixed with non-chlorinated solvents and shipped to the M & M Chemical Co. of Alabama. This operation must be completed within 30 days from the date of the Agreement Order.

February 1980
February 13th

Inspection of the Trousdale site by Joe Rossman (TNWQC). Soil and surface water samples are taken.

April 1980
April 9th

Barry Sulkin (TNWQC) inspects the Trousdale Road operation and discovers that waste is being discharged over the diked wall and into a gravel pile.

April 15th

A petition for contempt is submitted by the State specifying that John P. Saad & Sons, Inc. is in violation of the Agreement Order of January 1980.

April 19th

The court finds that Saad had violated the Agreement Order by:

- 1) Processing waste oil without obtaining a State Water Quality Permit.
- 2) Failing to mix non-chlorinated solvents with the liquid materials in the barrels and tanks and delivering them to the M & M Chemical Co. within the designated time-frame of 30 days.

Court Order:

The defendant cannot bring onto the Trousdale property any liquid without written authorization from the Tennessee Department of Public Health. All conditions in the Agreement Order must be met before the court order is lifted.

May 1980
May 2nd

Wayne Gregory (Tennessee Department of Solid Waste Management, TNSWM) writes Saad to outline a plan for the proper disposal of the drummed waste.

- 1) The liquid portions are to be sent to the M & M Chemical Co.
- 2) The solid portions are to be disposed of in a landfill owned by Waste Management of Alabama, Inc.

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July 1980	Arch Petitt declares bankruptcy Barry Sulkin notes that the drums at Trousdale site are still present.
July 7th	Chemical analysis of the samples taken on February 2 reveal the following: 1) Soil samples taken from ditch behind Saad facility contain: a. Trichloroethylene 90 ug/l b. Toluene 70 ug/l c. Xylene 287 ug/l 2) Water samples taken from Croft Spring contain: a. Chloroform 131 ug/l b. Carbontetrachloride 71 ug/l c. Chlorobenzene 65 ug/l
December 1980 December 3rd	Terry Cothron's (TNWQC) memo to John Fitzgerald (Attorney) requesting action against John P. Saad & Sons, Inc. for persistence in violating the court order.
December 17th	Garry Simpson (Attorney Generals Office) letter to Terry Cothron - <u>The State is not aware of any proven violation of the court order.</u>
1981 January 1981 January 6th	Bill Barrick's (Assistant Attorney General) letter to Gary Blackburn (Saad's Attorney) stating that the barrels must be removed from the site within 30 days time.
February 1981 February 3rd	Site inspection by Barry Sulkin revealed the following discoveries: 1) 157 drums are still present on the property, and the ground around the drums is saturated with oil 2) All materials from separator tanks have either been hauled away or placed in drums 3) Liquids are being pumped and stored in tank trucks 4) The construction of a discharge system into metro sewer is incomplete.
February 6th	Barry Sulkin writes memo to Terry Cothron and William Barrick (Attorney Generals office) stating that from his site investigation on the 3rd, it is evident that Saad is in violation of the court order.

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March 1981 March 17th	Barry Sulkin visits Saad facility to observe if the disposal of the drums had been completed. All drums that are present are in violation of the April 1980 Court Decree. John Saad mentions to Barry Sulkin that he is selling stock in the Company to raise funds for the cleanup.
March 18th	Meeting between TNWQC Office and State Attorney Officials to determine status of case. The outcome of the conference was that no legal action could be taken at the present time.
April 1981 April 13th	Terry Cothron writes letter to Bill Barrick urging him to enforce the court order.
July 1981 July 7th	Barry Sulkin visits the Trousdale operation and discovers that the barrels are still present on the property and tank trucks parked on the property are apparently being loaded. He comments that the facility is in direct violation of the court order.
July 16th	Barry Sulkin writes memo to William Barrick informing him of his latest visit and of the continued violations at the site.
1982 February 1982	Citizens lodge a complaint with the Bureau of Solid Waste Management concerning the presence of drums at the Trousdale site.
February 23rd	John Saad meets with representatives of the Depts. of Solid Waste Management and Water Quality Control to discuss drum removal.
February 27th	Saad applies to have drums removed.
March 1982 March 11th	The Trousdale site is visited by Tom Devine (EPA), Dave Lomann and Ben Smith (Safe Growth Team) and Barry Sulkin. Violations are observed.
March 18th	Ray Osejo (Chemist, TNSWM) samples storage tanks on property.
March 31st	John Saad signs an agreement with Chemical Waste Management, Inc. to dispose of the contaminated soil present at the site.

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March 31st	Letter to Saad from TNSWM accepting the proposed barrel removal plan.
April 1982 April 12th	Organic laboratory analysis report from the sampling conducted on March 18th. The presence of methylenechloride, 1,1-dichloroethane, trans-1,2-dichloroethane, Trichloroethylene, and Tetrachloroethane were detected in the storage tanks.
April 12th-23rd	Resistivity profiles conducted by Ecology & Environment (FIT Region IV) personnel under TDD # 8204-04.
April 21st & 26th	The barrels are removed from Trousdale Road.
April 23rd	Barry Sulkin meets with Dr. Frank Mitchell and Lynda Anderson of the CDC to determine if the Croft Farm is safe to become a park.
May 1982 May 17th-23rd	Sampling is performed by Ecology & Environment personnel on eight natural springs located on the Croft Farm property (TDD # 8205-01).
June 1982 June 10th	Don Rima (TNWQC) is named lead person on case.
August 1982 August 9th	Fred Stroud (EPA) request the TNWQC for authorization from property owners to construct monitoring wells in the Croft Spring area. The wells will be constructed on the property owned by Mrs. Croft, L & N Railroad, the Franklin Brick Company, and J. P. Saad & Sons, Inc.
August 16th	Ecology and Environment, Inc. (FIT Tegan IV) began construction of seven monitoring wells in the Croft Spring area. Geotek of Nashville is the drilling subcontractor.
September 1982	Newt Mullican (Tennessee Dept. of Public Health, Biologist) visits the Croft Stream and identifies that the orange coloration of the stream is due to the presence of an iron fixing bacteria. He collected samples for further determination of the specific bacterial strain.

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September 17th Construction of the seven monitoring wells is completed. The wells were then purged and sampled. In addition, several auger borings were made in vicinity of J. P. Saad on Trousdale Road.

October 1982 Phone discussion between TNWQC and Ed Geldreich (Chief Microbiologist, Drinking Water Research Division). Dr. Geldreich believes that the reason the iron fixing bacteria is so prolific in the Croft Stream stems from the abundant supply of a carbon source available to the bacteria. The sources of carbon are organic waste (from J. P. Saad & Sons, Inc.) and/or diesel fuel from L & N Railroad.

October 7th John P. Saad met with Messrs. Cothron, Osejo, and Rima to discuss the court ordered task remaining to be accomplished. Each ordered task was read to Mr. Saad and reviewed for compliance. Saad announced that he was presently operating his facility under verbal permission by Wayne Gregory of (TNSWM). He was reminded that he was required to obtain written approval.

October 19th Messrs. Slayden, Rossman, Walton, Osejo, and Rima met to consider what actions or proposals by John P. Saad would be acceptable for issuing permission to operate the Trousdale facility. It was decided that:

- 1) All wastewater at Saad's Trousdale facility would be discharged into the metro sewer system after pretreatment.
- 2) The resulting sludge would be treated as special waste and transferred to a hazardous waste facility.
- 3) Permission to spread wastewater on dusty roads would be denied.

November 1982
November 1st A letter was sent to Saad from TNWQC stating that he did not have written authority to bring any waste material onto his Trousdale facility or ship any waste material from the property. He was warned that if he persisted in operating his facility he would be indirect violation of the court order.

November 12th Meeting between Attorney, Richard King and his clients, Mr. Don Cowan, Sr. and Mr. Don Cowan, Jr. and members of TNSWM and TNWQC. Mr. Cowan was informed of the court orders pending on the Saad facility. He was told that "changing the name on the

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mailbox" did not absolve Saad or the sublease to dispose of the waste in a manner approved of by these departments.

December 1982
 December 20th

Robert Carnahan (Industrial Wastewater Coordinator) received notice from Donald Cowan of the latter's intent to discharge 111,000 gallons of wastewater present at the Trousdale facility into the metro sewer system. This action would be pursuant to a permit obtained from the metro sewer system authorities.

December 28th

Mr. Cowan submits a written request for authorization to discharge 111,000 gallons of wastewater into the metro sewer.

December 30th

Donald Cowan was issued authorization to discharge 111,000 gallons of wastewater into the metro sewer. The authorization stipulates the following conditions:
 1) discharge should occur between the hours 8:00 a.m.-4:00 p.m.
 2) discharge shall not exceed the rate of 50 gal/min.
 3) grab samples must be taken during discharge and analyzed for total organic halogens
 4) discharge shall be conducted through temporary piping to a sewer appertenance
 5) the discharge shall be examined at 30 minute intervals and a log book must be kept of observations

1983

January 1983

January 3rd

Batch discharge of stored wastewater begins as authorized.

January 7th

Discharge into metro sewer system is completed.

January 12th

Don Cowan request permission to commence operation of the Trousdale facility.

January 26th

Richard King, the Attorney for Don Cowan writes the Office of General Council to allow Saad's trailer to be parked at Trousdale facility for the purpose of receiving and storing waste oil for resale.

January 28th

Don Cowan applies for a permit to operate a waste oil treatment plant at the Trousdale facility.

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February 1983
February 1st-5th Several internal meetings were held by TNWQC and TNSWM personnel to formulate a response to the request for relief from the temporary restraining order by King and Cowan. It was concluded that a permit would be required to resume waste oil recycling activities.

February 23rd A complete application was received from King on behalf of the Dependable Oil Company to operate the Trousdale facility. A public notice was issued by the permit section.

February 25th A report to Jack Stonebraker from Roger Franklin (NUS Corporation, FIT Region IV) detailing the results of the sampling conducted at the Croft Springs and monitoring wells. The findings conclude:
1) that Saad waste is present in the groundwater below the Radnor Yards
2) five organic compounds were found in the groundwater of L & N Railroad yards and Saad are also showing up as contaminants in the groundwater on the Croft Farm

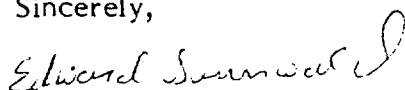
March 1983
February 28th to
-March 30th A review of the permit application was conducted to establish permit conditions and prepare a draft permit. The Trousdale site was inspected and deficiencies noted. The applicant thereafter amended his plan accordingly.

March 30th The awarded "Emergency Plan" was judged to be satisfactory and a "No - discharge" permit was issued to Dependable Oil Company to resume operation of the Trousdale facility.

April 1983
April 25th-29th Personnel from NUS Corporation (FIT Region IV) conduct sampling of the seven groundwater monitoring wells present in the Croft Farm area.

I hope you find the above chronology helpful in further EPA action. If you have any questions please feel free to contact me.

Sincerely,



Edward Grunwald
Environmental Health Specialist